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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,

vs.

Donald Day Jr.,
Defendant.

CR-23-08132-PCT-JJT

SUPPLEMENTAL BRIEFING RE: DEFENSE
MOTION IN LIMINE RE WIEMBILLA
SHOOTING

Following oral argument on Defendant's Motion in Limine re Wiembilla Shooting the Court allowed the United States to further review evidence to help answer additional questions. First, what was Defendant's knowledge about the layout of the Train's property in Australia; and second, what was Defendant's knowledge or discussion regarding tactical preparations.

The government located the following information, all of which has previously been produced to Defendant in discovery.

- You Tube comments with Trains re: Australian property
 - On October 25, 2021 at 5:20 am Texas BBQ (Gareth Train) stated "I'm in the middle of nowhere in Australia, planes grounded last yr in March, no travel and state borders closed by military and police state." (DAY_007348)

- On March 27, 2022 at 2:23 pm Daniel Yugi girawil (Gareth Train) commented on Geronimo Bones (Defendant) video “not for the thin of skin” saying “You and Ani are also welcome anytime to my 100acres. Be well brother.” (DAY_007425).
- In reponses to a December 8, 2022 video posted by the Trains title “Daniel’s Message to the Bad Boys” with the thumbnail of the “Cops” TV show logo:
 - On December 9, 2022 Defendant posted a comment stating “we teach those fuckers how we are to be treated. Thank you, brother-man. The world is a far better place, with you in it.”
 - In response, MrsYugigirawil (Stacy Train) stated “My phone number & front gate seem to have become popular. Welfare checks aka state sponsored murder has started up again. These fools are stepping into a world of hurt they know nothing of. Be well brother.” (DAY_000563).
- Train’s YouTube Videos
 - Gareth Train posted a video discussing planes over their property and showing videos of their property and treeline. (DAY_002273)
- Defendant’s Post Arrest Interview:
 - In his post arrest interview Defendant stated “The Trains had it set up, you know, to where they knew when people were on their property. You know, just with – with your, you know, basic mirrors, you know – you know, cameras.” (DAY_002271)
 - Defendant further stated that he “wanted them to come to us, to the States. I would have done anything I would have offered them – my wife and I would have offered them a house, land, a well, anything to get away from the – I love them that much.” (DAY_002271)
- Defendant’s Internet History regarding shooting in Australia
 - According the Google search warrant return for Defendant’s maleficusthemad account, on December 11-13, 2022 Defendant’s Chrome browser history

1 shows visits to multiple news websites, many of them via DuckDuckGo.
2 (DAY_000563).

3 The evidence listed above demonstrates Defendant's knowledge of the remote and protected
4 nature of the Train's property, or the events that occurred at the property on December 12,
5 and establishes the connection to his property and Defendant's state of mind in making the
6 threatening comment in Count One.

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8 Respectfully submitted this 26th Day of March, 2025.

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10 TIMOTHY COURCHINE
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District of Arizona

11
12 *s/Abbie Broughton*
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14

15 **Certificate of Service**

16 I hereby certify that on April 1, 2025, I electronically transmitted the attached
17 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
Notice of Electronic Filing to the following CM/ECF registrants:

18 Mark Rumold
19 Jami Johnson
Attorney for Defendant
20

21 *s/Abbie Broughton*
U.S. Attorney's Office
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